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ORDINANCE NO. 94-158

FINANCE

. Burkhard
. Baird
. Shores

AN ORDINANCE AUTHORIZING THE ACQUISITION AND USE OF REAL PROPERTY PRESENTLY OWNED BY NEAL EDWARD HOVEY IN FURTHERANCE OF THE GRISWOLD ROAD IMPROVEMENT PROJECT, DETERMINING THE PROPOSED ACQUISITION PRICE TO BE SATISFACTORY, AND DECLARING AN EMERGENCY

WHEREAS, Mayor Michael B. Keys of the City of Elyria, Ohio authorized the law firm of St. Marie, St. Marie, Couch & Guerini Co., L.P.A. to negotiate for the City the acquisition of interests in land necessary for the completion of the Griswold Road Improvement Project; and

WHEREAS, the acquisition of real property owned by Neal Edward Hovey is required for the completion of the project; and

WHEREAS, the City of Elyria and Neal Edward Hovey have reached an agreement for the City's acquisition of real property owned by Neal Edward Hovey which will permit the City to complete work in accordance with the plans and specifications for the Griswold Road Improvement Project.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ELYRIA, STATE OF OHIO:

SECTION 1: That this Council hereby finds and determines that the real property described in Exhibit A, attached hereto and made a part hereof, will be needed for public use by the City of Elyria to carry out the purposes of the Griswold Road Improvement Project.

SECTION 2: That this Council hereby finds and determines that the sum of FOUR HUNDRED FIFTY DOLLARS (\$450.00) is fair and equitable consideration to be paid for the acquisition of the real property described in Exhibit A and that the Mayor is authorized and directed to execute a purchase agreement for the acquisition of real property described in Exhibit A for the consideration provided herein and under such other terms as are commensurate with the project requirements.

SECTION 3: That the Council hereby authorizes the City Auditor to issue to Neal Edward Hovey funds in the sum of FOUR HUNDRED FIFTY DOLLARS (\$450.00) upon receipt by the City of a fully executed agreement for the purchase of real property and the warranty deed, which funds shall be paid from and charged against the Griswold Road Improvement Project Capital Outlay Account.

SECTION 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

SECTION 5: That this Ordinance be and hereby is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that the immediate effectiveness of this Ordinance is required to expedite the

I HEREBY CERTIFY THAT THIS IS AN EXACT AND TRUE COPY OF Ordinance 94-158

Jack Lesnick
JACK LESNICK, CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

7/14/94
DATE

completion of the Griswold Road Improvement Project; wherefore, the Ordinance shall be in full force and effect from and immediately after its passage and approval.

PASSED: 7/11/94

Shirley G. Guinta
SHIRLEY G. GUINTA, President

ATTEST: 7/11/94

APPROVED: Jack Lesnick
JACK LESNICK, Clerk

Michael B. Keys
MICHAEL B. KEYS, Mayor
7-12-94

Approved as to form:

Terry S. Shilling
TERRY S. SHILLING, Solicitor

CERTIFICATE OF PUBLICATION

I, THE UNDERSIGNED CLERK OF COUNCIL OF THE CITY OF ELYRIA, OHIO, HEREBY CERTIFY THAT THE FULL TEXT OF THE FOREGOING ORDINANCE NO. 94-158 WAS POSTED IN THREE PLACES WITHIN THE CITY AS DETERMINED BY COUNCIL, AND THAT SUCH PLACES WERE AS FOLLOWS: CITY HALL, CENTRAL FIRE STATION AND THE POLICE STATION FOR A PERIOD OF FOURTEEN (14) DAYS, TO WIT, FROM:

_____ to _____

Dated: _____

CLERK OF COUNCIL
CITY OF ELYRIA, OHIO

EXHIBIT A
DESCRIPTION OF REAL PROPERTY

Situated in the City of Elyria, County of Lorain and State of Ohio: Beginning at the northeast corner of said property, which is also a southwest corner of right-of-way at Griswold Road and Moran Street intersection; thence southerly along east property line a distance of 12 feet; thence northwesterly a distance of 23.32 feet to a point of south right-of-way of Griswold Road; thence easterly along Griswold Road right-of-way a distance of 20 feet to the point of beginning.

Area = 120 sq. ft. = 0.0028 ac.

PERMANENT PARCEL NO. 06-24-031-103-015

*St. Mario, St. Mario,
Couch & Guorini
Co., L.P.A.
1000 PremierBank
& Trust Bldg.
120 Middle Avenue
Elyria, Ohio 44035*

PARTIAL RELEASE OF MORTGAGE

Director of Development of the State of Ohio of _____, Ohio, acknowledges that it is the holder of a mortgage deed filed for record December 30, 1993 in O.R. Volume 835, Page 146 of Lorain County Records and a promissory note which the mortgage secures, both given to Director of Development of the State of Ohio by LARRY D. JONES and BARBARA A. JONES, husband and wife. For good and valuable consideration, the receipt of which Director of Development of the State of Ohio hereby acknowledges, Director of Development of the State of Ohio hereby releases from the lien and operation of the mortgage the following real property:

Beginning at the northwest corner of the property, which is also a southeast corner of right-of-way at Griswold Road and Moran Street intersection; thence easterly along south right-of-way of Griswold Road a distance of 14 feet; thence southwesterly a distance of 14.56 feet to a point on west property line, which is also east right-of-way of Moran Street; thence northerly along said west property line a distance of 4 feet to the point of beginning.

Area = 28 sq. ft. = 0.0006 ac.

PERMANENT PARCEL NO. 06-24-031-105-001

The mortgage remains in full force and effect with respect to the remaining real property described in the mortgage.

IN WITNESS WHEREOF, Director of Development of the State of Ohio has caused its name to be subscribed hereto this 25th day of July, 1994.

Signed and acknowledged in the presence of:

DIRECTOR OF DEVELOPMENT OF THE STATE OF OHIO:

Alan H. Modell

By: *Mauro Stannetto Donald d'Estigny*

d. jim robinson

Title: *Deputy Chief legal counsel*

St. Marie, St. Marie,
Couch & Guorini
Co., L.P.A.
1000 PremierBank
& Trust Bldg.
124 Middle Avenue
Sylvania, Ohio 44035

STATE OF OHIO
SS
LORAIN COUNTY

Before me, a notary public in and for said county, personally appeared the above named **DIRECTOR OF DEVELOPMENT OF THE STATE OF OHIO**, by and through Marlo B. Tannous, its ^{Counsel} Deputy Chief Legal, who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed, both personally and as such officer.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at Elyria, Ohio, this 25th day of July, 1994.

D. Jill Johnson (Robinson)
Notary Public

D. JILL JOHNSON
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES APRIL 7, 1995

*St. Mario, St. Mario,
Couch & Guorini
Co., L.P.A.
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